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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/672,030
Filing Date: September 26, 2003
Appellant(s): KAMINSKY, DAVID L.

MAILED

DEC 17 2007

Technology Center 2600

Scott D. Paul
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/16/07 appealing from the Office action
mailed 4/25/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,289,213	Flint et al	9-2001
US 2001/0010689	Awater	8-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable by **Flint** (US Pat. Number **6,289,213**) in view of **Awater** (US 2001/0010689) and Applicant's admitted prior art (Figure 1).

Regarding claim 5, **Flint** discloses an integrated computer telephony system comprising:

at least one computer participating in a wireless computer network (see Figs. 4-6 regarding the handheld computer **300** and computer **304**);

a cordless phone base station (**Fig. 6, ref. 302**) bound to a telephone outlet through a cabled connection (see Figs. 5-6 and col. 5, line 44 – col. 6, line 8); and

a wireless computer network adapter (Wireless Modem **209**) and a cordless handset circuit (Audio SP **42**) both disposed in said at least one computer (handheld computer **300**) and configured to share common computing resources (processor **2**) within said at least one computer, said wireless network adapter establishing and

maintaining data communications in said wireless network, said cordless handset circuit establishing and maintaining cordless telephony with said cordless phone base station (see **Fig. 4** and col. 5, line 44 – col. 6, line 8);

As to limitation regarding a wireless access point and the wireless computer network adapter which is configured to wirelessly communicate with a wireless computer network of computing devices coupled to one another via a wireless access point, it is noted that utilizing a lap-top computer with a wireless phone for communicating with a wireless access point in a wireless local network in the workplace is known in the art as disclosed by **Awater** (see [0003, 0004, 0011, 0012]), for providing a user a single device that can connect to a wireless local area network (wireless LAN) while in the work place, and can connect to a Public Switched Telephone Network (PSTN) when outside of the work place (i.e., at home). Since **Flint** does suggest a local area network and a PSTN (see col. 2, line 65 – col. 3, line 4), and also suggests a base station for communicating/controlling telephone function, PC, appliances and provide remote access to external networks (see Figs. 6-7 and col. 6, lines 9-24), it is clear that the base station in **Flint** would also serve as an access point for the handheld computer 300. Therefore, one skilled in the art would recognize that the hand-held computer phone 300 in **Flint** would be applicable to the system in **Awater** or to the prior art system as shown in Fig. 1 of the specification as admitted by the Applicant as prior art and would work equally well. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify **Flint** to provide the hand-held computer phone in **Flint** with a capability to access a wireless LAN at the workplace as

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well. By doing so, **Flint** in view of **Awater** as modified would teach “the wireless computer network transceiver (the modem 209 of the hand-held computer phone 300) is configured to wirelessly communicate with a wireless computer network of computing devices coupled to one another via a wireless access point” as claimed while in the work place.

Regarding claim **6**, the claim is rejected for the same reason as set forth in claim 5 above. In addition, it would have been obvious to one skilled in the art at the time the invention was made to modify **Flint** so that the cordless handset transceiver and the wireless network adapter would transmit and receive data in different frequency spectrum as suggested by **Awater** (see [0034]), for allowing parallel operations or further reducing signal interferences.

Regarding claim **7**, the claim is interpreted and rejected for the same reason as set forth in claim 6 above. In addition, **Flint** would teach said wireless network adapter and said cordless handset circuit share common information transceiving circuitry with one another in a single personal computer device (see **Flint**, Fig. 4).

Regarding claim **1**, the claim is rejected for the same reason as set forth in claim 5 above. In addition, it would have been obvious to one skilled in the art at the time the invention was made to modify **Flint** so that the cordless handset transceiver and the wireless network adapter would transmit and receive data in a common frequency spectrum as suggested by **Awater** (see [0026, 0030]), for cost saving. Note that **Flint** and **Awater** as modified would teach a multiplexer/demultiplexer as claimed (see **Awater**, [0026, 0059] or **Flint**, Fig. 1 regarding switches SW-1, SW-2), for preventing

both transceivers from transmitting/receiving at the same time, in order to reduce signal interferences (see Awater, [0030]).

Regarding claim 2, the claim is rejected for the same reason as set forth in claim 1 above. In addition, Flint and Awater as modified would teach the cordless handset transceiver comprises a further configuration for coupling to a central processing unit, audio processing circuitry and power supply within a computing device shared with said wireless network adapter (see **Flint**, Fig. 4 and Awater, Fig. 6), noting that a power supply would be an inherent feature for the integrated mobile device, in order to provide power to function the device.

Regarding claim 3, the claim is rejected for the same reason as set forth in claim 1 above. In addition, as admitted by Applicant in Fig. 2 as prior art, it would have been obvious to one skilled in the art at the time the invention was made to select the 2.4 GHz or ISM frequency spectrum as a common frequency spectrum for the integrated mobile device, for utilizing advantages of the unlicensed spectrum in most countries including the US (see also Awater, [0003]).

Regarding claim 4, the claim is interpreted and rejected for the same reason as set forth in claim 2 above.

Regarding claims 8-9, the claims are interpreted and rejected for the same reason as set forth in claim 1 above. In addition, since utilizing a graphic user interface for conducting phone calls is well known in the art, it would have been obvious to one skilled in the art at the time the invention was made to modify **Flint** for utilizing a graphic

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user interface as claimed, for providing a user enhanced features of the computer device.

(10) Response to Argument

In the Appeal Brief filed on 8/16/07, Appellant contends that

For convenience of the Honorable Board in addressing the rejections, claims 1-4 and 6-9 stand or fall together with independent claim 5.

Claim 5

In the Second Amendment filed February 21, 2007 (hereinafter the Second Amendment), Appellant amended claim 5 to include the following limitations:

the wireless computer network adapter is configured to wirelessly communicate with a wireless computer network of computing devices coupled to one another via a wireless access point.

Appellant further noted that on page 2 of the Second Office Action dated November 22, 2006 (hereinafter the Second Office Action), the Examiner identified column 2, lines 27-47 as teaching a wireless computer network. However, the wireless connection described by Flint is not between a network of computing devices coupled to one another via a wireless access point. Instead, Flint teaches wirelessly connecting a telephone handset 300 with a base station 302. Although the base station 302 is described as being able to handle multiple handsets 300 (column 5, lines 26-29), Flint fails to teach that these handsets 300 are communicatively coupled to one another via the base station 302.

In response, the Examiner agrees that Flint fails to implicitly teach that these handsets 300 are communicatively coupled to one another via the base station 302. However, the rejection is not relied upon the above feature.

Appellant further contends that

To address this newly added limitation, the Examiner asserted the following on page 3 of the Third Office Action:

As to limitation regarding the wireless computer network adapter is configured to wirelessly communicate with a wireless computer network of computing devices coupled to one another via a wireless access point, it is noted that utilizing a lap-top computer with a wireless phone for communicating a wireless access point is known in the art as disclosed by Awater (see

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[0003, 0004, 0011]), for providing a user a single device that can connect to a wireless local area network (wireless LAN) while in the work place, and can connect to a Public Switched Telephone Network (PSTN) when outside of the work place (i.e, at home).

At the outset, Appellant notes that the Examiner has mischaracterized the teachings of Awater. Specifically, the Examiner asserts "utilizing a lap-top computer with a wireless phone for communicating a wireless access point is known in the art as disclosed by Awater." Although utilizing a laptop computer with a wireless phone is known, Appellant notes that a laptop computer is not used with a wireless phone "for communicating [with] a wireless access point" based upon the teachings of Awater.

In response, the Examiner asserts that **Awater does** teach a laptop computer is used with a wireless phone (see Figs. 1, 6) "for communicating [with] a wireless access point" (see [0011, 0012] regarding a lap top and a wireless LAN and [0003, 004] regarding an access point AP), which clearly suggests a single device to interface via both an IEEE 802.11 radio system (wireless LAN) and a Bluetooth radio system (for voice communication).

Appellant further contends that

The Examiner then further asserted the following:

Since Flint does suggests a local area network and a PSTN (see col. 2, line 65-- col. 3, line 4), and also suggests a base station for controlling appliances and provide remote access to external networks (see Fig. 7 and col. 6, lines 9-24), one skilled in the art would recognize that the computer phone in Flint would be applicable to the system in Awater or to the prior art system as shown in Fig. 1 of the specification as admitted by the Applicant as prior art and would work equally well. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Flint to provide the computer phone in Flint with a wireless LAN access, thereby providing an access point as claimed, so that the computer phone can connect to a wireless local area network (wireless LAN) while in the work place.

Absent from the Examiner's analysis, however, is how one skilled in the art would combine the computer phone in Flint with the system of Awater or to the prior art system described in Fig. 1 of the Admitted Prior Art based upon the teachings of the applied prior art.

The claimed invention is directed to a system in which "a wireless computer network adapter and cordless handset circuit ... [are] configured to share common computing resources within said at least one computer." Even if one having ordinary skill in the art were motivated to combine the applied prior art, as suggested by the Examiner, the Examiner has failed to establish that the resulting combination would result in the above-identified limitation. Appellant recognizes that one having ordinary skill in the art could arrive at a computer system that includes both a wireless computer network adapter and a cordless handset circuit. This

combination, however, can still provide the Examiner's asserted benefit of having "the computer phone ... connect to a wireless local area network ... while in the work place," while having these having these elements completely separate within the computer. Absent from the Examiner's analysis is common

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sense rationale, factually supported by the applied prior art, that would have impelled one having ordinary skill in the art to combine the applied prior art such that both the wireless computer network adapter and the cordless handset circuit share common computing resources.

In response, the Examiner asserts that the handheld computer phone 300 in **Flint** does share common computing resources (see **Fig. 4** regarding processor 2) and so does the communication device in **Awater's** reference (see CPU 622 in **Fig. 6**).

Appellant further contends that

Appellant notes that the Examiner has previously asserted that the wireless modem 209 of Flint corresponds to the claimed wireless computer network adapter. As previously noted in the First Amendment dated September 19, 2006 (hereinafter First Amendment), Appellant disagreed with this assertion. Specifically, in the last paragraph on page 5 of the First Amendment, Appellant wrote: Applicant respectfully submits that the wireless [modem] 209 is not a wireless computer network adapter, as recited in claim 5. On the contrary, Flint is silent with regard to a wireless computer network. Referring to Fig. 6 and column 5, lines 19-29, feature 300 is described as a "hand-held unit" (i.e., a handset from which voice calls can be received), which is not comparable to another computer within a computer network. Therefore, Flint fails to identically disclose the claimed invention, as recited in claim 5, within the meaning of 35 U.S.C. § 102.

The Examiner responded to this argument on pages 2 and 3 of the Second Office Action by reasoning that since the cordless telephone 300 included a microprocessor, then the cordless telephone 300 could be considered a "computer" and then system described by Flint would be part of a "wireless computer network."

Appellant's position is that the Examiner unreasonably stretched the ordinary and customary meaning of the phrase "wireless computer network," so as to assert that Flint discloses a wireless computer network. However, Appellant's amendment in the Second Office Action

(reproduced above) was intended to clarify the meaning of the term to prevent the Examiner from unreasonably interpreting the phrase. Notwithstanding this amendment, the Examiner is still relying upon the wireless modem 209 to teach the claimed wireless computer network adapter. Appellant's position is that given the ordinary and customary meaning of the phrase "wireless computer network adapter," which is used to communicate with a wireless computer network of computer coupled to one another via a wireless access point, as claimed, one having ordinary skill in the art would not consider the wireless model 209 of Flint to be comparable to a typical wireless computer network adapter (e.g., feature 150 of the Admitted Prior Art). Thus, one having ordinary skill in the art would not look to either replace or supplement the capabilities of the wireless modem 209 with capabilities of a typical wireless computer network adapter since these types of devices are very different.

In response, the Examiner asserts that the wireless modem 209 is a wireless computer network adapter (see **Flint**, col. 5, line 60 – col. 6, line 8, particularly to **col. 6, lines 4-6**), which clearly suggests digital data stream transmission for a PC. Further, **Flint** in view of **Awater**, as modified for providing the handheld computer phone the capability of access to a wireless LAN while at work, would clearly teach the claimed wireless computer network adapter and an access point (see **Awater**, [0011] and [0003]).

As to claims 1-4, 6-9, since claims 1-4, 6-9 stand or fall together with claim 5, no further argument is necessary.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Duc Nguyen,

Dec 1, 2007

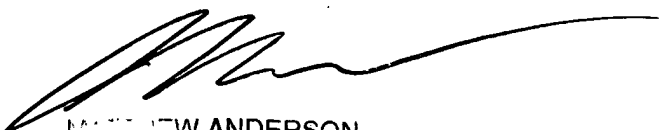


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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.